

Applicant: John W. Haim
Application No.: 10/799,951

REMARKS/ARGUMENTS

After the above amendment claims 3-4, 6-9 and 12-19 are pending in this application. Claims 1 and 2 are cancelled without prejudice. Entry of this amendment after final is proper since the case is in better form for appeal though the cancellation of rejected claims.

Claims 3-7, 12-15 and 18-19 have been finally rejected under 35 U.S.C. 102(e) as being anticipated by newly cited U.S. Patent No. 6,748,200 (Webster). Claims 8 and 16 have been finally rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Zamat (U.S. Patent No. 6,314,278). Claims 9 and 17 have been finally rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Mutojo (U.S. Patent Application No. 20040151264). These rejections are respectfully traversed, since the cited disclosure of Webster is not prior art.

Webster has a filing date of April 4, 2003. Webster is a C-I-P of U.S. Patent Appln. No. 09/677,975 (now U.S. Patent No. 6,735,422) filed on October 2, 2000 and also claims priority to Provisional U.S. App. 60/453,905 filed on March 11, 2003.

Figure 1 of Webster and the other relevant features cited by the Examiner as rendering the pending claims unpatentable, are "In-Part" material not disclosed in U.S. Patent Appln. No. 09/677,975. Thus, at best, the date of availability of such disclosure as prior art under 35 U.S.C §102(e) is **March 11, 2003**.

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Submitted herewith are Declaration Under 37 CFR §131 from each inventor establishing a date of invention of the relevant subject matter prior to March 11, 2003. Accordingly, the cited disclosure in Webster is not prior art and the rejections based on Webster should be withdrawn.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 3-4, 6-9 and 12-19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Haim et al.

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Enclosures (6)